

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

_____)	
MARK G. GOODENOUGH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:09-cv-06220-MAT
)	
CACH, LLC, and)	
DANIELS & NORELLI, P.C.,)	
)	
Defendants.)	
_____)	

ANSWER

Defendants CACH, LLC and DANIELS & NORELLI, P.C., by and through their undersigned counsel, as and for their Answer to the Complaint in this matter, states as follows:

1. Defendant pleads that the allegations contained in Paragraphs 1, 9, and 20 of the Complaint are statements of the Plaintiff's intent, legal conclusions, or other, similar, statements to which no response is required. To the extent that a response is required, Defendant denies the allegations contained in those Paragraphs.

2. Defendant admits the allegations contained in Paragraphs 2, 3, 6, 12, and 13 of the Complaint.

3. Defendant denies the allegations contained in Paragraphs 5, 7, 8, 14, 16, 19, 21, 22, and 23 of the Complaint.

4. With respect to the allegations contained in Paragraphs 4, 10, 11, 15 and 18 of the Complaint, Defendant states that it is without information sufficient to form a belief as to the veracity of those allegations, and accordingly Defendant denies the allegations contained in those Paragraphs.

5. With respect to the allegations contained in Paragraph 17 of the Complaint, Defendant admits that CACH, LLC commenced an action against Plaintiff in Onondaga County in 2008 and obtained a default judgment against Plaintiff, states that it is without information sufficient to form a belief as to the veracity of the remaining allegations in Paragraph 17 of the Complaint, and accordingly Defendant denies those remaining allegations.

6. Defendants deny each and every allegation, statement, averment, assertion, conclusion, or thing contained in the Complaint and not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. Defendants plead that even if the events alleged in the Complaint are true, they were the result of bona fide error(s).

2. Defendants plead that even if the events alleged in the Complaint are true, they were the result of acts of non-agents, or agents acting outside the scope of their authority.

3. Defendants plead that Plaintiff has failed to state a claim upon which relief may be granted.

4. Defendant CACH pleads the affirmative defense of setoff.

5. Defendants plead that some of the events alleged in the Complaint are the direct result of Plaintiff's own culpable conduct.

WHEREFORE, Defendants demand judgment as follows:

1. An Order dismissing the Complaint and each and every cause of action against Defendants therein, with prejudice;

2. An award of the costs and disbursements reasonably incurred in this action; and

3. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: Buffalo, New York
July 15, 2009

DAMON & MOREY LLP

/s/ Gregory Zini

By: Gregory Zini

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CERTIFICATE OF SERVICE

I, Gregory Zini, hereby certify that on July 15, 2009, I electronically filed the foregoing **Answer** with the Clerk of the District Court using its CM/ECF system which would then electronically notify Kenneth Hiller, Esq., counsel for Plaintiff.

/s/ Gregory Zini